

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

In re: Equifax, Inc. Customer
Data Security Breach Litigation

MDL Docket No. 2800
No. 1:17-md-2800-TWT

This document relates to:
ALL CASES

Chief Judge Thomas W. Thrash, Jr.

[PROPOSED] CASE MANAGEMENT ORDER NO. 3

On January 10, 2018, the Court entered Case Management Order No. 2 (ECF No. 87, “CMO-2”), governing various matters in this multidistrict proceeding until leadership appointments could be made. On February 9, 2018, the Court conducted a hearing on the Plaintiffs’ leadership applications for the Consumer Cases and the Financial Institution Cases and, on February 12, 2018, appointed a leadership structure on behalf of Plaintiffs in both tracks. By agreement of all counsel and for good cause shown, the Court amends certain provisions of CMO-2 as follows:

(1) Service of Complaints and Response Time.

The Parties agree and the Court orders that, for all current and future cases

filed in the Northern District of Georgia and transferred to this MDL, service of the complaints is deemed to be accepted and Defendant waives any and all service defects without any further process or request for waiver necessary on Plaintiffs' part. Defendant is not waiving any defense other than insufficient process and insufficient service of process (Rules 12(b)(4) and (5) of the Federal Rules of Civil Procedure), and Defendant expressly reserves all other defenses, including but not limited to any and all defenses related to jurisdiction and venue. Pursuant to CMO-2, Defendant's time to respond to any individual complaint is hereby suspended without date. Further in accordance with CMO-2, Plaintiffs will file their respective Master Consolidated Amended Complaints, which will supersede all earlier filed individual complaints, and Defendant's time to respond to such Master Consolidated Amended Complaints will be subject to the schedule set forth in section (2) below.

(2) Master Complaints for Each Track and Briefing on Rule 12(b)

Motions.

To facilitate handling of the litigation, the Court directs that Plaintiffs file Master Consolidated Amended Complaints in each track and that briefing on motions to dismiss such Complaints proceed separately according to the following schedule:

<u>Event</u>	<u>Consumer Track Deadline</u>	<u>Fin. Institutions Track Deadline</u>
Filing Master Complaints	May 13, 2018	May 30, 2018
Rule 12(b) motions	June 27, 2018	July 16, 2018
Plaintiffs' oppositions	August 13, 2018	August 30, 2018
Defendant's replies	September 12, 2018	October 1, 2018

(3) Communications with Putative Class Members.

In accordance with Local Rule 23.1(C)(2), the parties have met and conferred regarding whether proper management of the case or the interests of putative class members require the entry of an order limiting communications with putative class members. The parties are continuing to meet and confer and will report to the Court prior to the April 3, 2018 status conference as to whether they believe an order from the Court on this topic is necessary.

(4) CM/ECF Registration.

Pursuant to Case Management Order No. 1 (“CMO-1”), the Court has previously ordered all attorneys participating in this MDL proceeding to register with the Court’s CM/ECF system. (Doc. No. 23, ¶ 1(b)). Having now completed the Initial Conference and appointed leadership, the Court orders that electronic

service of documents via the Court's CM/ECF system satisfies the obligations of service. Hereafter, unless otherwise ordered, neither the clerk's office nor counsel for the parties shall be obligated to provide service copies of any filings or related orders by U.S. Mail or any other means to attorneys who have not registered with the Court's CM/ECF system.

(5) Proposed Discovery Plan and Schedule.

The parties have exchanged drafts of a discovery plan under Rule 26(f), as well as a suggested schedule under Rule 16(b) for joinder of parties, consideration of any class action allegations, motions, and trial, and have begun the meet and confer process regarding those documents. The parties will present the Court with a discovery plan and proposed schedule by March 23, 2018.

(6) Other Provisions.

The parties shall adhere to all other aspects of CMO-1 and CMO-2. A Status Conference shall be conducted on April 3, 2018 at 10:00 a.m. EST in Courtroom 2108, United States Courthouse, 75 Spring Street, S.W., Atlanta, Georgia 30303. Liaison Counsel shall be responsible for making arrangements for others to monitor the conference by telephone. Pursuant to CMO-2, the parties shall continue to submit a joint agenda listing all matters to be considered no later than 2:00 p.m. two days before each status conference.

(7) Related *Pro Se* Cases.

The parties are aware of 20 *pro se* cases pending in the Northern District of Georgia which assert claims against Equifax relating to the data security incident. A list of the pending *pro se* cases is attached as Exhibit A. Some of these cases were originally filed in this Court, and others have been transferred to this Court by the JPML for consolidated or coordinated proceedings with the related actions in the MDL. Consistent with section (1) above, Defendant's time to respond to any individual complaint in the cases listed on Exhibit A, or in any other *pro se* cases that may be included in this proceeding, is suspended without date.

DATED: March 14, 2018

/s/ Amy E. Keller

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Counsel for Equifax Inc.

SO ORDERED, this ____ day of March, 2018.

Thomas W. Thrash
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed with this Court via its CM/ECF service, which will send notification of such filing to all counsel of record this 14th day of March 2018.

/s/ Amy E. Keller
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